

*Town of Tyngsborough
Conservation Commission*

25 Bryants Lane
Tyngsborough, Massachusetts 01879-1003
Office: (978) 649-2300 ext 116
Fax: (978) 649-2301

APPROVED
5-26-09

Minutes
April 28, 2009
APPROVED

Present:

ES: Ed Smith	LG: Lucy Gertz	JN: John Nappi	JE: Jerry Earl
CF: Christine Fox	WL: William Look	JK: Jeff Kablik	MM: Matt Marro, Conservation Director

7:10pm Meeting opened by Ed Smith

7:10pm Malcolm Joy from Boy Scout Troop 46 spoke to the Commission about an Eagle Scout project he is proposing. His project involves assembling a team to clean up the trails and the upper Lake Massapoag dam area. The project, slated to be done in late June or early July, will restore the water flow and beautify the trails in the area. The Commission expressed their enthusiasm for the project and suggested that before and after pictures be taken and shared with the Commission when the project is completed.

7:15pm 29 Nevada Rd (M2, P39, L0) – Request for Determination of Applicability for the proposed installation of a 24' pool, the addition of clean fill, and area grading.

JK: Motion to waive the reading of the legal ad.

LG: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

JK: Motion to waive the reading of the abutters list.

LG: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

Applicant, Buffy Gamache appeared before the Commission concerning her project. Ms. Gamache explained that the current conditions of her backyard space have inhibited her family from enjoying the yard as there is a dangerously steep drop-off. Ms Gamache explained that the project would include grading the drop-off into a gradual slope, adding fill where necessary to achieve this effect. This would create a safe useable space in the yard where a 24' round pool would be installed. MM indicated that none of the "no-touch" zones would be violated and there would be no impact to the wetlands. MM suggested that hay bales be placed where necessary before the project begins. WL asked about seeding the area before any significant erosion could occur. Ms Gamache verified that the newly graded slope would be seeded immediately to prevent any erosion. MM recommended issuing a negative determination with the addition of hay bales for this project.

JK: Motion to close the hearing.

WL: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

JK: Motion to issue a Negative Determination with the addition of placing hay bales before the project begins for 29 Nevada Rd. (M2, P39, L0) for the installation of a 24' pool, the addition of clean fill, and area grading.

WL: 2nd the motion

In Favor: 7 Opposed: 0

Passes

7:25pm 273 Middlesex Rd. (M20, P42, L0) – DEP# 309-0822, Notice of Intent for the proposed construction of a 75' x 100' one-story auto detail and repair commercial building with associated parking area, on-site sanitary sewer system, and drainage improvements. Continued from 4/14/09.

JK: Motion to continue this hearing to May 12, 2009 at 7:15pm.

WL: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

7:26pm 65-67 Mascuppic Trail (M32B, P29, L0) – DEP# 309-0823, Notice of Intent for the proposed construction of a retaining wall, grading, floodplain alteration, compensatory storage, patio and steps. Continued from 4/14/09.

JK: Motion to continue this hearing to May 12, 2009 at 7:25pm.

WL: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

7:30pm Pawtucket Blvd. (Route 113), Frost Rd. (Route 3A), and Sherburne Ave. – Massachusetts Highway Department Notice of Intent for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd.

JK: Motion to waive the reading of the legal ad.

LG: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

JK: Motion to waive the reading of the abutters list.

LG: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

Representatives from Parsons Transportation and Mass Highway appeared before the Commission. Dave Patneade from Parsons Transportation showed the Commission a conceptual plan of where the three roads (Frost Rd., Sherburne Ave., and Pawtucket Blvd.) are to be relocated and reconstructed. The whole project affects the 200' river buffer zone along Pawtucket Blvd., a rare species habitat, and the 100 yr. flood plain. MM reported that there is a significant bald eagle habitat in the area that should be considered. He went on to say that they need to elaborate the flood plain numbers on the plans. In addition, the Commission would like to see as many plantings, i.e., shrubs, trees, etc. to enhance the area for the existing habitat. Mass Highway reported that the project would go out for bid at the end of 2009, with a proposed start date of the project in the spring of 2010. MM suggested that since DEP is still evaluating this project, and has not issued a case number, the hearing should be continued.

JK: Motion to continue the hearing to May 26, 2009 at 7:15pm.

WL: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

Director's Determinations and Report

39 Bowers Ave. – Clean up an 8 x 24 area of dirt in front of the house to make way for plantings.

JE: Motion to approve the Director's Determination for 39 Bowers Ave.

LG: 2nd the motion

In Favor: 6 Abstain: 1 Opposed: 0

Passes

18 Upton Dr. (formerly 20)– Insignificant change to the original approved plan that would move the proposed deck location to the westerly side of the house.

JK: Motion to approve the Director's Determination for 18 Upton Dr. (formerly 20)

WL: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

Minutes/Sign Forms/Other Business

JK: Motion to approve the meeting minutes as written for 2/24/09.

WL: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

LG: Motion to approve the meeting minutes as written for 4/14/09.

JE: 2nd the motion.

In Favor: 7 Opposed: 0

Passes

Signed the following forms:

- 10 Old Kendall Rd. (M12, P10, L0) – DEP# 309-0820 Order of Conditions.
- 185 Pawtucket Blvd. (M28, P115-1) – DEP# 309-0819 Order of Conditions.

8:25pm

JK: Motion to adjourn

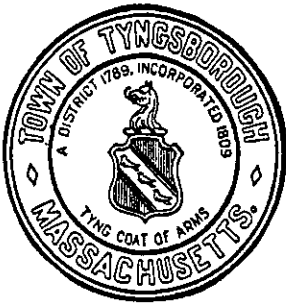
WL: 2nd the motion

In Favor: 7 Opposed: 0

Passes

Respectfully submitted

Pamela Berman, Conservation Clerk



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AGENDA
April 28, 2009

- 7:00pm** **Malcolm Joy – Eagle Scout Project Proposal**
- 7:05pm** **29 Nevada Rd. (M2, P39, L0) – Request for Determination of Applicability** for the proposed installation of a 24' pool, the addition of clean fill, and area grading.
- 7:10pm** **273 Middlesex Rd. (M20, P42, L0) – Notice of Intent** for the proposed construction of a 75' x 100' one-story auto detail and repair commercial building with associated parking area, on-site sanitary sewer system, and drainage improvements. Continued from 4/14/09.
- 7:20pm** **65-67 Mascuppic Trail (M32B, P37, L0) – Notice of Intent** for the proposed construction of a retaining wall, grading, floodplain alteration, compensatory storage, patio and steps. Continued from 4/14/09.
- 7:30pm** **Pawtucket Blvd. (Route 113), Frost Rd. (Route 3A), and Sherburne Ave. – Massachusetts Highway Department Notice of Intent** for the Relocation and Reconstruction of a section of Pawtucket Blvd. and Frost Rd.

Discussion:

Administrative:

1. Director's Determinations and Report
 - 39 Bowers Ave.
 - 20 Upton Dr. – Insignificant change for the relocation of previously approved deck.
2. Minutes/Bills/Other Business:
 - ❖ Approve the minutes from the 2/24/09 & 4/14/09 meetings.
3. Sign the following forms:
 - **10 Old Kendall Rd. (M12, P10, L0) – DEP# 309-0820** Order of Conditions for the proposed construction of a single family residence with landscaping within 100ft. buffer zone.
 - **185 Pawtucket Blvd. (M28, P115-1) – DEP# 309-0819** Order of Conditions for the restoration of 9 golf course greens/bunker areas.